



Cattewater Reclamation Act 1992

1992 CHAPTER xiv

PART II

LANDS

4 Power to acquire lands

- (1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of constructing and maintaining the works and obtaining access to the works or otherwise for the purposes of this Act or other purposes connected therewith.
- (2)
 - (a) The powers of the Company for the compulsory acquisition of lands under this section shall not be exercised after 31st December 1995.
 - (b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December 1995 notice to treat has been served in respect of that land.

5 Power to acquire new rights only

- (1) The Company may, instead of acquiring any land under section 4 (Power to acquire lands) of this Act, acquire compulsorily such new rights as they require in, over or under the land.
- (2) In relation to the compulsory acquisition of a right by virtue of subsection (1) above, section 251 of the Highways Act 1980 (rights acquired to be binding on successive owners of the land) shall apply—
 - (a) as if references to such a compulsory acquisition were included in references to the compulsory acquisition of a right by virtue of section 250 of that Act;
 - (b) as if any such acquisition were made by a compulsory purchase order made in exercise of highway land acquisition powers;
 - (c) as if references in that section to a highway authority were references to the Company; and

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- (d) as if references in subsection (4) of that section to another highway authority were references to a local authority.
- (3) Any new right acquired under this section, whether compulsorily or by agreement, shall be a local land charge.
- (4) (a) The Company may give notice to treat in respect of any new right describing the nature thereof; and the Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory acquisition of new rights under subsection (1) above as it applies to the compulsory acquisition of land so that, in appropriate contexts, references in that Act to land are read as referring, or as including references, to the new rights or to land in, over or under which the new rights are or are to be exercisable according to the requirements of the particular context.
- (b) Without prejudice to the generality of paragraph (a) above, in relation to the purchase of the new rights in pursuance of subsection (1) above—
 - (i) Part I of the Act of 1965 shall have effect with the modifications specified in the Schedule to this Act;
 - (ii) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.
- (5) The Company may, with or without consideration, release either wholly or partly any new right acquired under this section.
- (6) Where the Company have acquired only a new right in, over or under any land under this section they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land.

6 Correction of errors in deposited plan and book of reference

- (1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Company after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.
- (2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.
- (3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons and with the Chief Executive of the Devon County Council and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take the land or an easement therein (as the case may be) and execute the works in accordance with the certificate.
- (4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

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7 Disregard of recent improvements and interests

In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land or new rights under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, works executed, or improvement or alteration made, whether in the land acquired or on any other land with which the claimant is, or was at the time of the carrying out of the building, works, improvement or alteration, directly or indirectly concerned if the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

8 Extinction of rights affecting land

- (1) All rights, in, over or under any land which may be acquired or appropriated by the Company for the purposes of this Act shall, as from the acquisition or appropriation of the land, be extinguished:

Provided that nothing in this subsection shall affect any right vested in, or any main, pipe, wire, drain, sewer or other works and apparatus belonging to, any undertaking for the supply of water or gas or of a licence holder pursuant to section 6(1) of the Electricity Act 1989 for telecommunication, for sewerage or sewage disposal or for land drainage which is so vested, or so belongs as the case may be, for the purposes of the carrying on of the undertaking.

- (2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to compensation paid by the Company in an amount which is to be determined in case of dispute by the tribunal in accordance with the enactments relating to compensation for the compulsory purchase of land.

9 Grant of new rights by person under disability

- (1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, subject to the provisions of the Act of 1965, grant to the Company any new right in, over or under the lands required for the purposes of this Act which he is able and willing to grant.
- (2) The provisions of the Act of 1965 with respect to lands and rentcharges, so far as they are applicable, shall extend and apply to any such grant and to any such new right as aforesaid.

10 Agreements with adjoining owners

- (1) The Company may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of the works, or of the land which may be acquired by the Company under this Act, with respect to the sale by the Company to him (subject to such reservations, restrictions or other provisions as to the Company seem fit) of any land not required for the works.
- (2) The Company may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Company for the purposes of this Act or any new right so required.

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11 Power to reinstate owners or occupiers of property

- (1) The Company may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.
- (2) Any such agreement may provide for the exchange of land; and for that purpose the Company may pay or receive money for equality of exchange.

12 Temporary use of land

- (1) In this section “the specified lands” means the lands delineated on the deposited plan and thereon numbered 4, 5, 6 and 7 in the city.
- (2) The Company in connection with the construction of the works and after giving to the owners and occupiers of the specified lands not less than 28 days' previous notice in writing, may use the specified lands for the purpose of obtaining access from and to the works.
- (3) On the exercise of the powers conferred by this section the Company shall not be empowered to purchase compulsorily or be required to purchase any part of the specified lands.
- (4) On the exercise of the powers conferred by this section, the following provisions shall have effect:—
 - (a) the Company shall compensate the owners and occupiers of the specified lands for any loss or damage which may result to them by reason of the exercise of the powers of this section;
 - (b) nothing in this section shall relieve the Company from liability to compensate under section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (a) above;
 - (c) any dispute as to a person's entitlement to compensation under paragraph (a) above or as to the amount thereof shall be determined by the tribunal.